

REMARKS

Claims 1-13 and 15-18 are pending in the application. Claims 1, 7 and 12 have been amended. Reconsideration of this application is respectfully requested.

The Office Action rejects claims 1-11 under 35 U.S.C 103(a) as unpatentable over U.S. Patent Publication No. 2002/0072875 to Barney et al., hereafter Barney, in view of U.S. Patent Publication No. 2003/0147362 to Dick et al., hereafter Dick.

This rejection is respectfully traversed.

Barney lacks the following step/element of independent claims 1, 7 and 12:

“determining a time synchronization function is enabled”

The Examiner contends that Barney discloses this step/element, citing paragraphs 0004, 0011 and 0015. These paragraphs describe that Barney's local controllers update a local time in response to an operating condition that the machine is operating. Either a master controller or a local controller can detect that the machine is operating. The Examiner contends that “establishing an operating characteristic is substantially the same as synchronization function”. This contention is erroneous. All that Barney's local controllers do is update a local time when the machine is operating and stop updating local time when the machine is not operating. This is a simple ON/OFF function and not a synchronization function. Therefore, Barney lacks this step/element of independent claims 1, 7 and 12.

Independent claims 1, 7 and 12 have been amended to recite:

"automatically adjusting said network communications time to synchronize with said module reference time gradually, using said correction rate, over said predetermined synchronization interval".

Support for this amendment is in the specification at page 12, lines 1-3.

Barney lacks this step/element. Barney adjusts local time and not network communications time as recited in independent claims 1, 7 and 12. Therefore, Barney lacks this step/element of independent claims 1, 7 and 12.

Dick, which was cited for a different reason does not supply the above discussed deficiencies of Barney. Therefore, independent claims 1, 7 and 12 are unobvious over the combination of Barney and Dick.

The Examiner admits that Barney does not disclose the following step/element recited in independent claims 1, 7 and 12:

"determining a rate of correction based on a predetermined synchronization interval and said determined time difference".

The Examiner contends that Dick discloses this step/element, citing paragraphs 0076, 0069, 0041 and 0043. Only paragraph 0071 is pertinent to determining a rate of correction. However, Dick determines a rate of correction based on an estimated long term drift and not on a predetermined synchronization interval and the determined time difference as recited in independent claims 1, 7 and 12. Therefore, Dick does not supply the admitted deficiency of Barney.

For the reasons set forth above, it is submitted that the rejection of claims 1-11 under 35 U.S.C. 103(a) is erroneous and/or obviated by the amendment and should be withdrawn.

The Office Action rejects claims 12, 13 and 15-18 under 35 U.S.C 103(a) as unpatentable over Barney in view of U.S. Patent No. 4,709,347 to Kirk, hereafter Kirk and further in view of Dick.

The above discussed deficiencies of the combination of Barney and Dick are not supplied by Kirk, which was cited for a different reason.

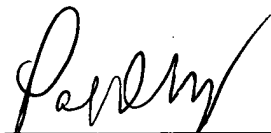
For the reason set forth above, it is submitted that the rejection of claims 12, 13 and 15-17 under 35 U.S.C. 103(a) is either erroneous or obviated by the amendment and should be withdrawn.

It is respectfully requested for the reasons set forth above that the rejections under 35 U.S.C. 103(a) be withdrawn, that claims 1-13 and 15-18 be allowed and that this application be passed to issue.

For the reasons set forth above, it is submitted that this amendment places the application in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and passed to issue. If this amendment is deemed to not place the application in condition for allowance, it is respectfully requested that it be entered for the purpose of appeal.

Respectfully Submitted,

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Paul D. Greeley
Reg. No. 31,019
Attorney for Applicant(s)
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
(203) 327-4500